

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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FARMWORKER JUSTICE,  
1126 16th Street NW  
Suite LL-101  
Washington, DC 20036,

Plaintiff,

v.

U.S. DEPARTMENT OF AGRICULTURE,  
1400 Independence Avenue SW  
Washington, DC 20250,

Defendant.

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Civil Action No. 1:19-cv-1946

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. This action is brought under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel the U.S. Department of Agriculture to produce records responsive to a FOIA request.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B). Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff Farmworker Justice is a non-profit organization that seeks to empower migrant and seasonal farmworkers to improve their living and working conditions, immigration status, health, occupational safety, and access to justice. Farmworker Justice submitted the FOIA request at issue in this case.

4. Defendant U.S. Department of Agriculture (USDA) is an agency of the federal government of the United States and has possession of and control over the records Farmworker Justice seeks.

### **STATEMENT OF FACTS**

5. On April 20, 2018, Farmworker Justice submitted a FOIA request to USDA for certain records concerning USDA's H-2A program and an "Interagency Working Group" on the H-2A program that had been organized among USDA, the U.S. Department of Homeland Security, the U.S. Department of State, the U.S. Department of Labor, the Office of Management and Budget, and the National Economic Council.

6. On April 24, 2018, USDA acknowledged Farmworker Justice's FOIA request and assigned it FOIA Case No. 2018-DA-03673-F.

7. On August 6, 2018, after requesting multiple status updates, Farmworker Justice conferred with USDA regarding prioritizing the production of certain responsive records. Specifically, Farmworker Justice agreed to a short-term prioritization of (1) two specific memoranda or reports, (2) agency communications involving a list of nine specific individuals and organizations, and (3) notes and other materials associated with the Interagency Working Group. Farmworker Justice explicitly stated that it did not agree to waive or eliminate any items contained in its original FOIA request.

8. Over the next several months, Farmworker Justice repeatedly requested that USDA respond to its FOIA request and produce responsive records.

9. More than 20 working days have passed since Farmworker Justice submitted its FOIA request, and USDA has neither made a final determination nor produced any records in response to the request.

### **CAUSE OF ACTION**

10. Farmworker Justice has exhausted all administrative remedies with respect to its FOIA request under 5 U.S.C. § 552(a)(6)(C)(i).

11. Farmworker Justice has a statutory right under FOIA, 5 U.S.C. § 552(a)(3)(A), to the records it requested, and there is no legal basis for USDA's failure to disclose them.

### **PRAYER FOR RELIEF**

WHEREFORE, Farmworker Justice requests that this Court:

- (1) Declare that USDA's withholding of the requested records is unlawful;
- (2) Order USDA to make the requested records available to Farmworker Justice at no cost and without delay;
- (3) Award Farmworker Justice its costs and reasonable attorneys' fees pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant such other and further relief as this Court may deem just and proper.

Dated: June 28, 2019

Respectfully submitted,

/s/ Patrick D. Llewellyn  
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